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Three Hots and a Cot and a Lot of Talk: Discussing Federal Rights-Based Avenues for Prisoners Access to Vegan Meals

**“THREE HOTS AND A COT AND A LOT OF TALK”:<sup>1</sup>  
DISCUSSING FEDERAL RIGHTS-BASED AVENUES  
FOR PRISONER ACCESS TO VEGAN MEALS**

By  
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*Vegan prisoners face obstacles in accessing meals congruent with their beliefs, but it may be possible to assert the right to vegan meals while incarcerated via a number of constitutional and statutory provisions. Focusing specifically on the federal legal landscape, this Article acts as a road map to those options. First, this Article discusses the scope of relevant religious free exercise jurisprudence—and its utility for prisoners who are vegan for religious reasons. Second, this Article explores the extent to which an equal protection approach may provide vegan prisoners with a viable route to securing appropriate meals. Third, this Article discusses possible application of the Eighth Amendment’s “cruel and unusual punishment” provision to vegan prisoners who are denied the appropriate diet. Fourth, it gives an overview of the Prison Litigation Reform Act’s impact on litigating these issues.*

*The objectives are threefold: to summarize the relevant jurisprudence, to highlight new legal developments, and to suggest creative legal theories addressing the needs of vegan prisoners. In doing so, the Article seeks to support lawyers confronting these issues and benefit vegan prisoners.*

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<sup>1</sup> SOCIAL DISTORTION, *Prison Bound*, on PRISON BOUND (Restless Records 1988).

\* © David B. Rosengard earned his B.A. in History and Gender Studies at Claremont McKenna College, and a J.D. and LL.M. in Animal Law from Lewis & Clark Law School. During his time at Lewis & Clark Law School, David was part of the Animal Law Clinic, and served as Co-Director of Lewis & Clark’s Student Animal Legal Defense Fund chapter and as an Animal Law Review Editor in Chief. David is grateful for the Animal Law Clinic’s work on behalf of individual vegan prisoners and its broader inquiries into issues faced by vegan prisoners, both of which provided the seeds from which this Article grew.

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